



Application/Control No.: 09/994,458  
Response dated August 6, 2004  
Reply to Office Action of June 8, 2004

### **REMARKS/ARGUMENTS**

In response to the Office Action dated June 8, 2004 in the above referenced application, applicants elect, with traverse, claims 15-19 (Group II) and cancel claims 1-14 (Group I), claims 20-25 (Group III), and claims 29-37 (Group V) without prejudice.

Applicants request reconsideration of the restriction requirement as between claims 15-19 (Group II) and claims 26-28 (Group IV). Applicants urge that the similarity of the subject matter in both Groups of claims reasonably permit the Examiner to search and examine the entire application without serious burden. Among other things, both Groups of claims recite a reagent container having an associated two-dimensional data storage element that contains encoded reagent information and then using that information for programming or performing the staining protocol. Applicants urge that the recitation of a particular robotic delivery system in Group II and its absence in Group IV will not create a serious burden on the Examiner to search and Examine the present Application. Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the restriction requirement as between Group II and Group IV.

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Applicants are submitting herewith a request for a one-month extension of time and authorize payment of any other necessary fees from Deposit Account 23-3000.



Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Wesley L. Strickland  
Wesley L. Strickland  
Reg. No. 44,363

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
513 241 2324  
513 421 7269 (facsimile)  
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